

**Remarks / Arguments**

Claims 1-23 are pending. Claims 1, 2, 7-18, 22 and 23 stand rejected. Claims 3-6 and 19-21 are objected to.

New claim 24 is added herein. Claim 24 is being presented at this time to more completely cover a particular aspect of Applicants' invention. Further, it is submitted that new claim 24 raises no new issues and does not require the Examiner to conduct an additional search, since the claim merely clarifies the subject matter already presented. Newly added claim 24 recites, *inter alia*, "a boron-containing by-product comprising B<sub>2</sub>O<sub>3</sub>": Support for this claim limitation is found, for example, at pg. 12 lines 7-10 and Tables 1 through 11. Applicants respectfully request that the Examiner enter the above new claim.

Claims 1, and claims 2, 7-10, and 14-17 which depend therefrom, and claims 18, and claims 22-23 which depend therefrom are rejected as allegedly being anticipated by U. S. Pat. No. 5,356,478 ("Chen et al."). Applicants respectfully disagree. Contrary to the Examiner's assertion that all elements of claims 1 and 18 are disclosed in Chen et al., the elements "a substance comprising a dielectric constant greater than the dielectric constant of silicon dioxide" and "wherein the substance has a dielectric constant of 4.1 or greater" in claims 1 and 18, respectively, are not. Instead, Chen et al. describes substances to be removed that are comprised of the residuum of etching of an aluminum alloy film such as Al-Si-Cu, Al-Si, or Al-Cu and a barrier material such as TiW, MoSi, WSi, Ti, TiN or  $\alpha$ -Si (see Chen et al. at col. 2, lines 8-19). These substances are metals -not dielectric materials- and as such do not have a dielectric constant greater than the dielectric constant of silicon dioxide or a dielectric constant of 4.1 or greater. The § 102(b) rejections are unsupported by the Chen et al. reference and should be withdrawn.

Claims 1, and claims 2, 7-10, and 14-17 which depend therefrom, and claims 18, and claims 22-23 which depend therefrom, are rejected as allegedly being anticipated under 35 USC § 102(e) by published patent application 2004/0011380 ("Ji et al."). Applicants respectfully traverse the 35 USC § 102(e) rejections of these claims because the present application and the Ji et al. application are not "by another". Applicants are unclear as to why the rejection is a 35 USC § 102(e) rather than a provisional 35 USC § 102(e) / § 103(c) rejection. The Ji et al. application is currently pending and is presently assigned to the assignee of the present application. Evidence of the common ownership of the present application and the Ji et al. application are provided at REEL/FRAME 014746/0477 and

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REEL/FRAME 013963/0486, respectively. Further, the inventors of the present application and the Ji et al. application were under an obligation to assign their respective inventions to the assignee, Air Products and Chemicals, Inc., at the time the invention was made.

### SUMMARY

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned Attorney at the telephone number listed below.

Respectfully submitted,



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attachments: Petition for a One Month Extension of Time  
PTO Form SB/22  
Fee Calculation Sheet